

Aug-17-04

06:41pm From: Honigman, Miller, Schwartz, Cohn

248 566 8311

T-080 P.004/014 F-172

I hereby certify that this correspondence is being sent VIA FACSIMILE to the U.S. Patent and Trademark Office to fax number 703-872-8306 on the date shown below.

Dated: August 17, 2004

Signature:

*Joyce Kumpke*  
Joyce Kumpke

Docket No.: 209533-81444  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stephen M. Birken

RECEIVED  
CENTRAL FAX CENTER

Application No.: 10/080,733

Art Unit: 1754

AUG 17 2004

Filed: February 22, 2002

Examiner: Steven J. Bos

For: METHOD AND APPARATUS FOR  
SEPARATING METAL VALUES

OFFICIAL

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the non-final Office Action dated February 20, 2004, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Adjustment date: 11/02/2004 SDIRETA1  
08/27/2004 CSIAS1 00000001 503145 10080773  
02 FC:2201 172.00 CR  
03 FC:2202 27.00 CR

PAGE 4/14 \* RCVD AT 8/17/2004 6:39:13 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/4 \* DNIS:8729306 \* CSID:2485668311 \* DURATION (mm:ss):06:06

11/02/2004 SDIRETA1 00000012 503145 10080773

01 FC:1201 86.00 DA

SEP 23 PM 4:40

P. titioner's Designation **PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of: Wickens, S.  
Application No.: 10/080,733 Group No.: 1754  
Filed: 2/22/02 Examiner: Bos, S.  
For: Method & Apparatus for Separating Metal Values

☐ Patent\*: Issued:

NOTE: Insert name(s) of inventor(s) and title also for patent. Where request is with respect to a maintenance fee payment also insert application number and filing date and add "M. Fee to address."

By: 16  
Commissioner for Patents and Trademarks  
Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

NOTE: 37 C.F.R. § 1.26(b) "Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this regulation or in § 1.209(a). If the Office charges a deposit account by an amount other than the amount specifically indicated in an authorization (§ 1.252), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating that charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable."

**I. REFUND REQUEST**

This is a request for a refund, with respect to the charge to Deposit Account  
\$ 3145, shown on the statement dated Aug 2004, for the  
a. ☐ identified  
☒ application.  
☐ patent.

C. INFORMATION UNDER 37 C.F.R. 1.10\*  
(Express Mail number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this paper and the documents referred to as being transmitted therewith are being deposited  
with the United States Postal Service on the date 9/23/04 in an envelope as "Express Mail Post  
Office Addressee," mailing Label Number 2V58534131US addressed to the: Commissioner  
for Patents, Washington, D.C. 20231.

Soyce Krumpke  
(Type or print name of person mailing paper)

Soyce Krumpke  
(Signature of person mailing paper)

WARNING: Certificate of mailing (first class or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

WARNING: Each paper or fee must be "Express Mail" mailed with the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).  
"Since the filing of correspondence on or after 1/1/00, the use of an Express Mail mailing label is an overnight requirement for all correspondence." 37 C.F.R. § 1.10(b).  
Requirement for use of Express Mail mailing label is mandatory for all correspondence filed on or after 1/1/00. 37 C.F.R. § 1.10(b).

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(check the following, if desired, and attach copy of statement)

PATENT TRIAL BOARD  
DIVISION

- ☒ A copy of the monthly statement of the credit card referred to occurs, accompanied by a receipt.

II. **EXCESS CHARGES AND REFUND REQUESTED**

AMOUNT OF 2004 SEP 23 PM 4:00  
REFUND  
REQUESTED

- ☐ Filing fee  
☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))

and/or

- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))  
☐ Extension of term  
    ☐ first month  
    ☐ second month  
    ☐ third month  
    ☐ fourth month  
    ☐ fifth month

- ☒ Excess claims  
☐ Issue fee  
☐ Petition fee  
☐ Patent maintenance fee  
    ☐ first maintenance fee  
    ☐ second maintenance fee  
    ☐ third maintenance fee  
☐ Patent maintenance fee surcharge  
☐ Other

\$113.00

TOTAL REFUND REQUESTED

\$113.00

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(Request for Refund (Improper Charge of Credit Card Account) [19-4]—page 2 of 3)

2004 SEP 23 PM 4:40

**III. EXPLANATION OF CHARGE**

On February 22, 2002, applicant filed an application with 23 total claims and 4 independent claims. The application was filed on August 17, 2004, amended the claims to 10 total and 6 independent. An additional 2 independent claims needed to be paid for. (\$86.00) as set forth on the Fee Transmittal submitted on August 17, 2004.

The deposit account of the undersigned was charged \$172.00 for 3 extra independent claims and \$27.00 for claims over 20.

A refund of \$113.00 is requested.

**IV. MANNER OF REFUND**

Please make refund by

- ☒ crediting Account No. 50-3175  
☐ crediting credit card as shown on the attached credit card information authorization form PTO-2036

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☐ refunding payment.

Ref. No.: 33373

Tel. No.: (248) 566-8500

Customer No.: 44200

  
SIGNATURE OF ACTIONER  
Joseph V. Coppola, Sr.

(Type or print name of actioner)  
Honigman Miller Schwartz and Cohn LLP  
32270 Telegraph Road, Suite 225  
P.O. Address  
Bingham Farms, MI 48025-2457

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Patent Division

**Coppola S. Joseph V.**

**From:** Krumpal, Joyce  
**Sent:** Tuesday, September 14, 2004  
**To:** Coppola Sr., Joseph V.  
**Subject:** FW: per your request...

2004 SEP 23 PM 4:40

-----Original Message-----

**From:** Thomas, Laura  
**Sent:** Tuesday, September 14, 2004 4:52 PM  
**To:** Krumpal, Joyce  
**Subject:** per your request...



**United States  
 Patent and  
 Trademark Office**

**Deposit Account Statement**

**Requested Statement Month:** August 2004  
**Deposit Account Number:** 503145  
**Name:** HONIGMAN MILLER SCHWARTZ & COHN LLP  
**Attention:** LAURA THOMAS  
**Address:** 2290 FIRST NATIONAL BLDG.  
**City:** DETROIT  
**State:** MI  
**Zip:** 48226

DATE	SEQ	POSTING TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL.
08/02	70	C	02194	209546-81358 1005	\$160.00	\$23,681.00
08/02	175	F	02225	209529-81920 2001	\$385.00	\$23,296.00
08/02	176	F	02225	209529-81920 2202	\$90.00	\$23,206.00
08/02	177	F	02225	209529-81920 2201	\$86.00	\$23,120.00
08/04	293	F	03162	209546-81877 1613	\$920.00	\$22,200.00
08/04	294	F	03162	209546-81877 8021	\$40.00	\$22,160.00
08/05	2	F	05436	64392-0080 1251	\$110.00	\$22,050.00
08/05	3	F	05436	64392-0080 1801	\$770.00	\$21,280.00
08/05	51	F	05042	209593-81550 1617	\$130.00	\$21,150.00
08/05	52	F	05042	209593-81550 8021	\$40.00	\$21,110.00
08/05	84	C	0665	AP9641 1801	\$770.00	\$20,340.00
08/05	1464	F	06867	209346-81480 7003	\$100.00	\$20,240.00
08/06	142	F	08712	209546-81876 1005	\$160.00	\$20,080.00
08/09	142	F	03531	209546-81206 1613	\$920.00	\$19,160.00
08/09	143	F	03531	209546-81206 8021	\$40.00	\$19,120.00
08/09	144	F	03531	209546-81206 8021	\$40.00	\$19,080.00
08/09	237	F	02594	AP10096 1616	\$290.00	\$18,790.00

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09/14/2004